



CASE HA726 DIV-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ATWAL ET AL.

APPLICATION NO: 10/660,878

FILED: SEPTEMBER 12, 2003

FOR: HETEROCYCLIC DIHYDROPYRIMIDINE COMPOUNDS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Art Unit: 1624

Examiner: Rao, D.

TERMINAL DISCLAIMER

Sir:

Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on March 6, 2001 at Reel/Frame 011375/0582.

---

Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,706,720** issued March 16, 2004. Said Patent No. 6,706,720 is also assigned to Bristol-Myers Squibb Company by virtue of an assignment which is the same assignment.

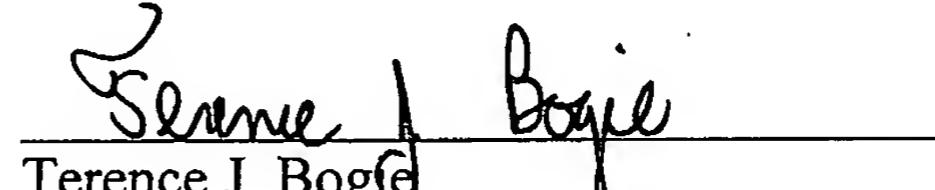
Bristol-Myers Squibb Company hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,706,720 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,706,720, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 15<sup>th</sup> day of August, 2005 by the undersigned attorney of record.

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
609-252-6385

  
Terence J. Bogle  
Attorney for Applicants  
Reg. No. 44,544